

## FURTHER MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS FOR SECOND 15-DAY COMMENT PERIOD

For the 45-day comment period, text proposed to be added is shown in underline type;  
For the 45-day comment period, text proposed to be deleted is shown in ~~strikeout~~ type;  
For the 15-day comment period, text proposed to be added is shown in double underline type;  
For the 15-day comment period, text proposed to be deleted is shown in ~~double strikeout~~ type;  
For the second 15-day comment period, text proposed to be added is shown in **bold** type; and  
For the second 15-day comment period, text proposed to be deleted is shown in ~~strikeout italics~~ type.

### CALIFORNIA CODE OF REGULATIONS TITLE 2. ADMINISTRATION DIVISION 1. ADMINISTRATIVE PERSONNEL CHAPTER 1. STATE PERSONNEL BOARD SUBCHAPTER 1. GENERAL CIVIL SERVICE ARTICLE 2. GENERAL PROVISIONS

#### § 26. Record Retention Requirements.

**(a) Unless otherwise specified herein, A appointing authorities powers shall retain the following records in an orderly and systematic manner for a minimum of five years from the date of creation of the record:**

**(1) Affirmative action and equal employment opportunity (EEO) records, ~~related to~~ including, but not limited to, policies and procedures, EEO officer's duty statement, and complaint and response records;**

**(2) ~~Employee personnel records related to all appointments, including, but not limited to, permanent, temporary, full-time, part-time, intermittent, seasonal, additional appointments, and retired annuitants. These records include, but are not limited to, Request for Personnel Action, Notice of Personnel Action, duty statements, applications, resumes, probation reports and performance reviews, loyalty oaths and oaths of office, policy and training acknowledgments, training history, pre-employment background and reference checks, and minimum qualification verifications. These records also include employee disciplinary records, except the minimum five year record retention requirement does not apply to disciplinary records if a stipulated~~**

~~settlement agreement between the employee and appointing power or bargaining agreement between the employee's union and the state provides otherwise;~~

~~(3 2) Examination records, including but not limited to, job analyses and other development-related documentation, qualified appraisal panel questions, answer sheets, rating criteria, and testing administration records; the examination bulletin, examination planning documents and/or forms, job analysis, list of accepted and rejected candidates, all applications received with accepted and rejected notations, minimum qualification verifications, any notices sent to candidates, examination questions, model answer sheets, candidate answer sheets, rating criteria, rating sheets and rater's notes for each candidate.~~

~~(4 3) Merit, and selection, and appointment records, including but not limited to, written job announcements, on-line and e-mail distributed job announcements, applications, application screening criteria, rating criteria, test scores, interview records, pre-employment background check records, EEO questionnaires, reference checks, and other related records for persons not hired; the duty statement of the position being filled, all job announcements and bulletins, all applications received for the job opening, pre-employment background and reference checks, minimum qualification verifications, application screening criteria, interview rating criteria, interview questions, interview scoring or rating sheets, records documenting the reasons why the selected candidate was hired for the position, the Request for Personnel Action, the Notice of Personnel Action, probationary reports, loyalty oaths and oaths of office, and history of mandated training. These records also include employee disciplinary records, except the minimum five-year record retention requirement does not apply to disciplinary records if a stipulated settlement agreement between the employee and appointing power provides otherwise.~~

~~(5 4) Position descriptions, including but not limited to records describing established positions regardless of the funding source, and information on title, series, grade, duties, and responsibilities and; Records related to established positions that describe the title, series, grade, duties, and responsibilities of the position, regardless of the funding source, and any requests for classification of new positions or reclassification of existing positions.~~

~~(6 5) Requests for classification of new positions or reclassification of existing positions.~~

(b) For the types of records described in subdivision (a)(3) that are routinely and customarily maintained in the employee's official personnel file, the appointing powers shall retain the following those records for a minimum of five years from the creation date of the document or from the effective date of the employee's appointment, whichever date is later.:

~~(1) Employee personnel records related to all to all appointments, including, but not limited to, permanent, temporary, full-time, part-time, intermittent, seasonal, additional appointments, and retired annuitants. These records include, but are not limited to, Request for Personnel Action, Notice of Personnel Action, duty statements, applications, resumes, probation reports and performance reviews, loyalty oaths and oaths of office, policy and training acknowledgments, training history, pre-employment background and reference checks, and minimum qualification verifications. These records also include employee disciplinary records, except the minimum five-year record retention requirement does not apply to disciplinary records if a stipulated settlement agreement between the employee and appointing power or bargaining agreement between the employee's union and the state provides otherwise.~~

(c) All records shall be retained in an orderly and systematic manner, **and may be retained electronically.**

~~(b d)~~ As used in this section, "records" include any books, papers, or other data, on whatever medium recorded. A record will normally encompass all matters included within section 250 of the Evidence Code. Duplicate copies of the same record are not required to be retained.

NOTE: Authority cited: Sections 18660 and 18701, Government Code. Reference: Sections 18573, ~~and~~ 18661, **and 19232**, Government Code.